

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETER FRANKLIN KLEIN,

Plaintiff,

v.

FEDERAL BUREAU OF PRISONS, et al.,

Defendants.

Case No. [19-cv-06763-YGR](#) (PR)

ORDER OF TRANSFER

Plaintiff, who was formerly incarcerated in various federal prisons from 2009 through 2019, filed a *pro se* civil rights complaint. He has also filed an application for *in forma pauperis* status.

While Plaintiff has used the form for a civil rights action pursuant to 42 U.S.C. § 1983, the Court construes his action as one under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). Plaintiff complains of deprivations of his civil rights at various federal prisons, stemming from an incident on December 16, 2010 where he was allegedly “brutally attacked by an inmate at the direction of the [Federal Bureau of Prisons (“FBOP”)]” while he was incarcerated at the Federal Correctional Institution, La Tuna (“FCI-La Tuna”).

A substantial part of the events or omissions giving rise to the claims occurred primarily in FCI-La Tuna in El Paso County, which lies within the venue of the United States District Court for the Western District of Texas. While Plaintiff currently names the FBOP and various prisons, including FCI-La Tuna, instead of individual defendants, any potential individual defendants from FCI-La Tuna would likely reside in the Western District of Texas. Venue, therefore, properly lies in that district. 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Western District of Texas. The Clerk of the Court shall transfer the case forthwith.

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All remaining motions are TERMINATED on this Court’s docket as no longer pending in this district.

IT IS SO ORDERED.

Dated: March 3, 2020


YVONNE GONZALEZ ROGERS
United States District Judge